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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,185	12/08/2000	Bhavesh B. Bhatt	NEC0234US	3162
33031 7590 07/11/2007 CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			EXAMINER LAMBRECHT, CHRISTOPHER M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/733,185

Applicant(s)

BHATT, BHAVESH B.

Examiner

Christopher M. Lambrecht

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47 and 49-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 14 November 2006 has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 47 and 49-51, filed 14 November 2006, have been considered but are moot in view of the new ground(s) of rejection. To the extent that they may still apply, Applicant's arguments are not persuasive.

Claim 47, Applicant argues, "recites storing the first portion from the hard disk to the RAM. The same first portion is then copied from the RAM to the hard disk . . . ." (Reply at 4.) Thus, Applicant reasons, "the same data that was copied from the hard disk to the RAM is subsequently copied back to the hard disk; no modification is made to the data before it is copied back to the hard disk." (Reply at 5.)

However, claim 47 refers separately to, and thus distinguishes between, "a first portion of the EPG" and "data of the first portion." Implicit in this distinction is that "the

first portion” refers categorically, not particularly, to data thereof. Thus, “a first portion” and “the first portion” are not, by necessity, references to the same data.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 47, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,507,950 (Tsukidate) in view of U.S. Patent No. 5,977,964 (Williams).

Regarding claim 47, Tsukidate discloses a method comprising: a set-top receiver (fig.5, item 31) receiving first data (collection keys 26, set by the user; col. 10, ll. 9-13), wherein the data identifies programs that can be presented on a television (col. 13, ll. 18-40); the set-top receiver receiving an electronic program guide (EPG) (program information, col. 9, ll. 65-66); the set-top receiver storing the EPG to a hard disk (fig.10, item 51) of the set-top receiver (col. 12, ll. 60-65); the set-top receiver comparing the first data with data of the EPG (“match” operation, col. 12, ll. 56-59; discussed at col. 8, l. 44 - col. 9, l. 31); and storing (i.e., moving) a portion of the EPG from the hard disk to a random access memory (RAM) (internal memory of processor 55, col. 12, ll. 23-26) of

the set-top receiver in response to the set-top receiver identifying a match between the first data and data of the portion (col. 12, l. 65 - col. 13, l. 14); and deleting the first portion from the RAM (updating contents of RAM, see col. 13, ll. 44-51). Tsukidate further teaches moving portions of the EPG matching a “recommended programs” attribute (col. 10, ll. 8-13) and using the RAM (of 55, fig. 10) to cache the portions of the EPG retrieved and extracted from the hard disk (51, fig. 10) by operation of the processor (col. 13, ll. 9-17). However, Tsukidate fails to explicitly disclose receiving second and third data to the EPG, wherein the second and third data identify a channel and a time slot, respectively; comparing the second and third data to the EPG; storing second and third portions of the EPG in the hard disk when these portions match the received second and third data; and copying the first portion from the RAM to the hard disk before deleting it from RAM.

In an analogous art, Williams discloses a method of providing a customized program guide, comprising: receiving a plurality of program attributes, each respectively identifying a TV channel, a TV program, and a time slot (col. 6, l. 64 – col. 7, l. 2); comparing each said program attribute to data of an EPG (col. 8, ll. 41-46); and retrieving corresponding portions of the EPG when data of said portions matches said program attributes, respectively (col. 7, l. 37 – col. 8, l. 3). Williams teaches that customized program guide enhances to the user’s enjoyment of the system (col. 3, ll. 20-27), and that the RAM provides only temporary storage of data when executed by the processor, while the hard disk provides long-term storage (col. 14, ll. 45-50). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Tsukidate to include receiving first data identifying a television channel, second data identifying a television program, and third data identifying a time slot; comparing the first, second, and third data to data of the EPG; storing first, second, and third portions of the EPG to RAM in response to identifying a match between the first, second, and third data and data of first, second, and third portions of the EPG, as taught by Williams, thereby enhancing the user's enjoyment of the system. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Tsukidate to include copying the cached portions of the EPG from the RAM to the hard disk, as taught by Williams, to thereby preserve the cached portions when not in use by the processor.

Regarding claim 49-51, see Tsukidate in view of Williams as applied to claim 47. Tsukidate in view of Williams further discloses the accessing one of the first portion stored in the RAM (Tsukidate, col. 13, ll. 51-56); the set-top receiver detecting one of the first portions stored in the RAM which is less frequently accessed than the other first portions stored in the RAM of use of the stored records (Tsukidate, retrieving portions of EPG for storage in RAM based on frequency of utilization, see Tsukidate, col. 13, ll. 18-21; and custom program guide according to most frequently watched channels, which are continually updated; see Williams, col. 6, l. 64 – col. 7, l. 2, col. 7 ll. 31-44, col. 8, ll. 14-19).

As to claims 50 and 51, see the rejection of claim 47 above.

### ***Conclusion***

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

#### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Lambrecht  
Examiner  
Art Unit 2623

/cml/



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